

REMARKS

The Examiner has rejected Claims 1-2, 4-9, 12-16, 18-21, 23, and 25 under 35 U.S.C. 102(e) as being anticipated by Colvin (U.S. Patent No. 6,799,277). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to the independent claims, the Examiner has relied on the following excerpt from Colvin to make a prior art showing of applicant's claimed technique where "if the current user does not have sufficient privileges, recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package" (see this or similar, but not necessarily identical language in the independent claims).

"A message may also be provided indicating that the user must provide additional registration information to proceed if the user believes that he is an authorized user. Alternatively, or in combination, additional information may be automatically gathered via the network address, processor ID, and the like to track unauthorized users and take additional action." (Col. 10, lines 46-52 - emphasis added)

Applicant respectfully asserts that the excerpt relied on by the Examiner merely teaches that "[a] message may also be provided indicating that the user must provide additional registration information to proceed if the user believes that he is an authorized user." In addition, the excerpt teaches that "additional information may be automatically gathered via the network address, processor ID, and the like to track unauthorized users and take additional action" (emphasis added). Furthermore, applicant respectfully points out that the above reference teaches that "authorized users [contact] an authorized software administrator to obtain subsequent passwords from a list of passwords upon expiration of each authorization interval" (Col. 10, lines 7-9 – emphasis added).

However, disclosing that information is "gathered via the network address, processor ID, and the like to track unauthorized users and take additional action"

(emphasis added), as in Colvin, fails to even suggest that “if the current user does not have sufficient privileges, recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package” (emphasis added), as claimed by applicant.

In fact, applicant emphasizes that Colvin explicitly discloses “authorized users contacting an authorized software administrator to obtain subsequent passwords ... upon expiration of each authorization interval” (emphasis added). Clearly, contacting an administrator to obtain a password upon expiration of an authorization interval, as in Colvin, fails suggest “recovering a set of user credentials... from the software installation package” (emphasis added), and even *teaches away* from applicant’s specific claim language, namely “recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package,” let alone “if the current user does not have sufficient privileges” (emphasis added), as claimed.

In addition, with respect to the independent claims, the Examiner has relied on the following excerpt from Colvin to make a prior art showing of applicant’s claimed technique “wherein the plurality of sets of user credentials each include a user name and an associated password” (see this or similar, but not necessarily identical language in the independent claims).

“The computer software preferably will not execute without entry of a valid key. In addition to the activation key, an appropriate password obtained from the authorized software representative for the corresponding activation key must also be provided. As such, entry of a serial number or activation key only allows the user to continue the installation process and obtain a password. Passwords are preferably associated with specific activation keys and do not enable operation of the computer software unless the password corresponds to the activation key.” (Col. 12, lines 1-11
... emphasis added)

Applicant respectfully asserts that the excerpt relied on by the Examiner merely teaches that “[p]asswords are preferably associated with specific activation keys and do not enable operation of the computer software unless the password corresponds to the

activation key" (emphasis added). However, the mere disclosure that passwords are associated with "specific activation keys," as in Colvin, fails to specifically suggest a technique "wherein the plurality of sets of user credentials each include a user name and an associated password" where the "software installation package includes [the] plurality of sets of user credentials" (emphasis added), in the context claimed by applicant.

Still yet, with respect to the independent claims, the Examiner has relied on the following excerpt from Colvin to make a prior art showing of applicant's claimed technique "wherein an error message is displayed if none of the plurality of sets of user credentials are associated with sufficient privileges to run the installation program from the software installation package" (see this or similar, but not necessarily identical language in the independent claims).

"If not, the installation process is terminated with an appropriate message provided to the user that the license has already been registered and this particular copy of the software is unauthorized as represented by block 164. A message may also be provided indicating that the user must provide additional registration information to proceed" (Col. 10, lines 42-47 ~ emphasis added)

Applicant respectfully asserts that the excerpt relied upon by the Examiner merely teaches that "the installation process is terminated with an appropriate message provided to the user that the license has already been registered and this particular copy of the software is unauthorized" (emphasis added). In addition, the excerpt teaches that "[a] message may also be provided indicating that the user must provide additional registration information to proceed" (emphasis added). Further, Colvin discloses that these actions occur "[i]f the serial number has been previously registered" (see Col. 10, lines 39-42).

However, the suggestion to terminate an installation process and provide a message if a serial number has been previously registered, as in Colvin, fails to disclose a technique "wherein an error message is displayed if none of the plurality of sets of user credentials are associated with sufficient privileges to run the installation program from

the software installation package" (emphasis added), especially where such plurality of sets of user credentials are included in the software installation package, in the context claimed. Clearly, providing a message if the serial number was previously registered, as in Colvin, fails to even suggest that "the plurality of sets of user credentials are associated with sufficient privileges" (emphasis added), in the manner as claimed by applicant.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to further distinguish applicant's claim language from the above reference, as follows:

"where the installation program authenticates itself to the computer using the set of user credentials" (see this or similar, but not necessarily identical language in the independent claims).

With respect to the above language incorporated into the independent claims, applicant respectfully asserts Col. 9, line 63 – Col. 10, line 18 in Colvin merely teaches that "[s]erial numbers can be supplied" (Col. 9, line 63), and that "authorized users [may contact] an authorized software administrator to obtain subsequent passwords" (Col. 10, lines 7-9). Further, Colvin teaches that "[d]uring the installation, the user is required to enter a serial number or activation key which has been previously associated with a

particular copy or group of copies of the software" (Col. 9, lines 60-63 — emphasis added).

Applicant respectfully asserts that the disclosure that a user is required to enter a serial number or activation key during installation, and that the authorized users may contact a software administrator to obtain the passwords, as in Colvin, simply fails to suggest a technique "where the installation program authenticates itself to the computer using the set of user credentials" (emphasis added), as claimed by applicant. Clearly, requiring a user to enter a serial number or activation key during installation, as in Colvin, simply fails to even suggest that "the installation program authenticates itself," in the manner as claimed by applicant.

Thus, since the Colvin reference fails to teach or suggest all of applicant's claim limitations, especially in view of the amendments made hereinabove to each of the independent claims, as noted above, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 4, the Examiner has relied on the following excerpts from Colvin to make a prior art showing of applicant's claimed "recovering a second set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication."

"The security feature automatically contacts the authorized representative for a license file update as represented by block 98 of FIG. 1b. Preferably, the application begins to attempt to contact the authorized administrator prior to expiration of the current authorization interval. For example, 15 days before expiration of the current interval, the program may attempt to automatically contact the authorized representative for a license file update. If the attempt is unsuccessful, repeated attempts may be made with increasing frequency to improve the probability of a successful update without user intervention. Alternatively, or in combination, the user may be prompted upon the next execution of the program to contact the authorized software

representative for an update." (Col. 9, lines 23-36 – emphasis added)

"Alternatively, the security feature of the present invention may function without the use of serial numbers with the authorized users contacting an authorized software administrator to obtain subsequent passwords from a list of passwords upon expiration of each authorization interval. However, the list of passwords or algorithms used to generate the passwords may not be unique to a particular program. In this embodiment, password sequencing could be used to discourage unauthorized copying by requiring that each password or authorization code be entered in the appropriate sequence for the computer software to function... (Col. 10, lines 5-17 – emphasis added)

Applicant respectfully asserts that the excerpts relied on by the Examiner merely teach that "[t]he security feature automatically contacts the authorized representative for a license file update" and "the application begins to attempt to contact the authorized administrator prior to expiration of the current authorization interval" (emphasis added). Further, Colvin teaches that "[i]f the attempt is unsuccessful, repeated attempts may be made with increasing frequency to improve the probability of a successful update without user intervention." In addition, Colvin teaches that "the authorized users [contact] an authorized software administrator to obtain subsequent passwords... upon expiration of each authorization interval" (emphasis added).

However, disclosing that an authorized administrator is contacted "for a license file update" and "to obtain subsequent passwords" fails to even suggest and actually *teaches away* from applicant's claimed "recovering a second set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication" considering that "the software installation package includes [the] plurality of sets of user credentials" (emphasis added), as claimed by applicant.

In addition, with respect to Claim 25, the Examiner has relied on Col. 9, lines 23-36, and Col. 10, lines 5-17 from Colvin (reproduced above) to make a prior art showing of applicant's claimed "determining if a subsequent set of user credentials from the plurality of sets of user credentials are available in the software installation package if the set of user credentials failed during authentication" and "recovering the subsequent set of

user credentials from the plurality of sets of user credentials included in the software installation package if it is determined that the subsequent set of user credentials is available.”

Applicant respectfully asserts that the excerpts relied on by the Examiner merely teach that “[t]he security feature automatically contacts the authorized representative for a license file update” and “the application begins to attempt to contact the authorized administrator prior to expiration of the current authorization interval” (emphasis added). In addition, the excerpts teach that “the user may be prompted upon the next execution of the program to contact the authorized software representative for an update” (emphasis added).

However, disclosing that an “application begins to attempt to contact the authorized administrator” or that a “user may be prompted upon the next execution of the program to contact the authorized software representative” before the “expiration of the current authorization interval,” as in Colvin, in no way suggests “determining if a subsequent set of user credentials from the plurality of sets of user credentials are available in the software installation package if the set of user credentials failed during authentication” and “recovering the subsequent set of user credentials from the plurality of sets of user credentials included in the software installation package if it is determined that the subsequent set of user credentials is available” (emphasis added), as claimed by applicant.

Again, applicant respectfully points out that Colvin’s disclosure that an application attempts to contact an authorized administrator, fails to even suggest and actually *teaches away* from applicant’s claimed “plurality of sets of user credentials [that] are available in the software installation package” (emphasis added), as claimed by applicant. Only applicant claims a “plurality of sets of user credentials [that] are available in the software installation package,” as claimed.

Again, applicant respectfully asserts that since the foregoing anticipation criterion has simply not been met by the above reference, as noted above, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 26-27 below, which are added for full consideration:

"wherein the installation program is installed without intervention by the current user" (see Claim 26); and

"wherein the installation program is installed without knowledge of the current user" (see Claim 27).

Yet again, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP262).

Respectfully submitted,
Zilka-Kotab, PC.
/Kevin J. Zilka/
Kevin J. Zilka

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100

Registration No. 41,429